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REPORT
OF THE
STANDING COMMITTEE ON MEDICAL SO-
CIETIES AND COLLEGES,

Relative to sundry petitions for the passage of a law to regulate the practice of physic and surgery.

IN SENATE—Jan. 15, 1848.

MR. BENNETT, from the standing committee on Medical Societies and Colleges, made the following report :

The standing committee on Medical Societies and Colleges, to which were referred sundry petitions asking for the passage of a law to regulate the practice of physic and surgery, have had the same under consideration, and now submit the following report :

Your committee deem it proper to state, that the subject committed to their consideration has appeared to them to be of sufficient importance to demand the most careful investigation which their other duties would permit them to bestow upon it.

And, in reporting to the Senate the result of their deliberations, your committee have deemed that it was the more important that they should enter somewhat at length into a discussion of the propriety or impropriety of granting the object sought to be attained by the petitioners, as their opinion would seem to be founded on erroneous views of the subject.

But it is not at all to be wondered at that those who witness the evils under which society is suffering, from that class of individuals who venture to undertake the discharge of those duties which devolve upon a practitioner of medicine, while they are totally unqualified for the proper discharge of the same, should be induced to turn their attention to the General Assembly—very naturally supposing and fondly hoping that, through its agency, they may be shielded, in some measure at least, from that pestiferous flood of quackery which so fearfully threatens the happiness and welfare of community,

But your committee entertain the opinion that more mature reflection would probably have convinced, even the petitioners themselves, that their attention has not been directed to that source which was capable of affording the most effectual panacea for those evils which they so deeply feel and of which they so justly complain.

We shall, therefore, endeavor to give our reasons, as briefly as the importance of the subject will permit, why legislation will be likely to prove entirely incompetent to regulate the practice of physic and surgery.

We are fully aware that, in expressing such an opinion, we shall be at variance with many of the professional men throughout the State, as well as with many others who may be justly denominated the humane and benevolent friends of their fellow men ; but, notwithstanding all this, we must be permitted to say that it is the conclusion to which we have arrived, after the most calm and dispassionate investigation which we have been able to bestow upon the subject.

But your committee would remark that they have not been insensible to the argument of the petitioners, and that they fully concur with the sentiment therein advanced, viz : that the welfare of community demands that that community be supplied with properly educated and skillful medical men.

And though it be a fact that " no man is born a lawyer or doctor "—and though it also be a fact that no man can be qualified to practice physic and surgery until he shall have spent years in persevering study and careful investigation, yet it must nevertheless be admitted that quackery has had its supporters and admirers from that memorable time when the vaunting Paracelsus declared that he would consult the devil to obtain the secrets of physic, and from that time when, in the height of his presumption and folly, he deliberately consigned to the flames the writings of the illustrious fathers of medical science, down even to this boasted age of intelligence in which we live ! And although this great antitype of the modern quack, who boasted that he possessed a nostrum which would preserve human life to the age of Methusaleh, died a poor miserable creature before he had passed the meridian of manhood, yet, notwithstanding this demonstration of the falsity of its pretensions, quackery has continued to exist through all succeeding ages, in spite of its own intrinsic evils, and in opposition to the restrictive legislation of states and empires !

Yet who would have supposed that any man, professing to be governed by the principles of moral obligation, would have dared to undertake the reparation of that complicated and delicate machinery which composes the human system, while he was not only totally ignorant of its intricate mechanism, but was alike ignorant of its physiological operations in health, as well as of its pathological condition in a state of disease.

But, when we speak of that ignorant horde of medical pretenders, which is voraciously preying upon the lives and limbs of those who permit themselves to be made the dupes of their braggadocio and impudence, we do not allude merely to the various systems of novelty and pretended " reform " which are striving to palm their pretensions

upon us, and though these, in the vanity of their ignorance, would assume to spurn, as unworthy of their attention or regard, the labors of preceding ages, and would foolishly reject those benefits which flow from the accumulated experience of centuries, yet we would not pretend to say that quackery was entirely confined to such, for we must also include within its limits that misguided class of half-read "doctors" who are, from time to time, being let loose upon a too confiding people, from even some of the respectable medical offices of the State ! These things should most assuredly not be so. And it must indeed require but a small amount of sagacity and reflection to perceive that, while such a state of things is permitted to receive the toleration of the medical profession, it must be utterly in vain to attempt the suppression of quackery by legislative enactment.

The experience of the past has sufficiently proven, that all the attempts which have been made to legislate quackery out of existence have been utterly vain and futile,—and what better result could we expect, from a similar attempt, at the present time ?

Old Massachusetts once entertained the hope that she could rid herself of quackery, through the agency of her legislative power ; and accordingly, on the 20th day of February, 1819, she put forth her antidote in the shape of a medical law—and although this law contained the usual amount of penalties and disabilities, yet, after trying its effects for several years, her people became satisfied that it was productive of little or no good ; they therefore so far repealed it as to strip it of all its restrictive features.

And permit us to inquire, what has been the experience of the State of New York, in relation to this subject ? She too was not insensible to the evils of quackery, and attempted to effect its suppression by legislative enactment. But it appears that her effort was attended with no better success than that of the State to which we have already referred. By reference to her statutes it will be found that on the 10th of April, 1813, she passed a law to regulate the practice of physic and surgery, and although that law was sufficiently stringent to do all which law could do, yet her medical men prayed earnestly for its repeal, fully realizing that it was productive of much more harm than good to community ! But that law still continued to exist till the 6th of May, 1844, when, as a useless and worthless incumbrance, it was stricken from the statute book.

And having had some experience on this subject in our own State, let us for a moment inquire what the result of that experience has been.

If we examine into the history of our State legislation, we shall find that on the 19th of February, 1813, a law was passed to regulate the practice of physic and surgery. And although that law contains sufficient penalties and disabilities to satisfy him who would desire to go farthest upon this question, but yet it had existed but a few years, till its utter inutility became so apparent to all that the people permitted it to be repealed without a murmur.

And when we look at the experiments which have thus been made, does it not appear evident, that legislation against quackery can be of no avail ?

Such having been the result of former experience, is there any good reason to suppose, that legislation upon this subject now, would be attended with any better consequences, than it has been in times gone by ?

Your committee believe that it would not, and therefore, that the prayer of the petitioners ought not to be granted.

But, perhaps, the inquiry may arise, how then may quackery be most effectually driven from amongst us ?

To this, we would take the liberty to say that, we think the most effectual means by which this object can be accomplished, is by adopting measures which will bring it in contrast with a high standard of medical qualification.

For this, and this alone, will properly present the monster in its true light, and hold its hideous features legitimately before the criticising gaze of an intelligent people. While without it, though you may enact your statutes abounding in pains and penalties, yet they will but excite the derision of those whose evil pathway they were designed to obstruct.

For, while we talk of legislating upon this subject, let it be remembered that quackery of every denomination already exists among us ; and consistency would seem to require, that this great reform should commence with the medical profession itself.

For who will pretend to deny, that the medical profession contains within itself a vast amount of the most dangerous species of quackery.

And who does not know, that in comparing one *system* of practice with another, contrast alone, is the criterion by which community will judge.

If, indeed, the Samsons of the *Materia Medica*, were used by none but those who understand their power, that odium which has been cast upon many of them, and through them upon the *whole* medical profession, must soon cease to exist ; and then one quack would be no longer able to screen himself by taking shelter behind the blunders of another quack, perhaps even more ignorant than himself.

For no intelligent physician will pretend to deny, but that while many of those articles embraced in the *Materia Medica* are mighty in the removal of disease, when judiciously administered, they may also prove mighty in the destruction of human life and health, when used by unqualified and ignorant men.

It strikes us, therefore, with peculiar force, that if the educated medical men of the State would refuse to lend their influence to give character to so dangerous a species of quackery, as that which seeks its shelter under the science of medicine, we should hear much less complaint about the depredations of the quack upon the health and happiness of the people.

For what is quackery, but a superstructure reared upon the sisterhood of ignorance and impudence ?

And never can this Pandora's box of mischief be closed, by the strong arm of legislative power, while the medical profession contains within itself so large an amount of quackery as there is reason to fear exists at the present day.

And is there not great reason to suppose, that quackery has been greatly strengthened in all its varied shapes, by the medical profession having received within its pale so many who are totally unqualified to discharge the duties of that profession, which they have improperly taken upon them?

If this be true, where then is the great remedy, but in the medical profession itself?

Let then that profession arouse to the discharge of its duty, and its whole duty in this respect, and the benefits to community which must result therefrom would be more and greater than we shall attempt to enumerate. Let the medical men of Ohio refuse to take quackery by the hand and nurse it into existence—let them refuse to permit any one to enjoy the benefits of their recommendation and support, unless they know him to be qualified for the discharge of those duties which must devolve upon a practitioner of medicine—let them no longer give countenance to a procedure, which must tend to bring their profession into degradation and disrepute in the eyes of the community—let them but take their stand firmly upon that lofty eminence, which it is their right and duty to occupy, and you will soon cease to be called upon to legislate for the suppression of quackery.

For when a course like that above designated is pursued, the intrinsic evils of quackery, of every species, will be held up in their naked deformity, to the gaze of an indignant community; and thus more real good will have been accomplished than could have been by all the legislative enactments which you may pile upon your statute book.

It is with the medical profession alone, that we would desire to leave this vitally important question.

Your committee, therefore, being fully satisfied that the passage of a law to regulate the practice of physic and surgery would utterly fail to accomplish the object which it sought to attain; deem that as it would be useless it is therefore inexpedient.

Entertaining these views, your committee report back the petitions which have been referred to them, and ask to be discharged from any further consideration of the subject.

All of which is respectfully submitted.

